



**TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
NASHVILLE ENVIRONMENTAL FIELD OFFICE**

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December 1, 2010

**CERTIFIED MAIL RETURN RECEIPT**  
**# 7008 1300 0000 1050 8355**

The Honorable Don Weiss  
Mayor of the City of Dickson  
600 East Walnut Street  
Dickson, TN 37055

**Re: Notice of Violation**  
NPDES Permit Number TNS077542  
Stormwater Management Program Audit

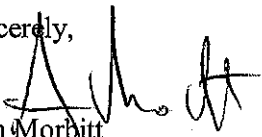
Dear Mayor Weiss:

On August 25, 2010, Jason Dees with this office conducted a follow-up audit of the City of Dickson's NPDES Stormwater Management Program. The City of Dickson's Director of Planning and Zoning, Jason Pilkinton, and other City staff were cooperative during the audit. As a result of this audit it was noted that the City had not taken all of the self-established corrective actions to address permit violations identified in Jason's October 2008 Notice of Violation letter and audit report.

Enclosed is a report that presents the findings of Jason's August 25, 2010, audit. Again, this report summarizes permit requirements for the permit's six minimum control measures and identifies areas that the City of Dickson must address to come into compliance with the permit. As identified in this report, the City of Dickson has not taken the necessary steps to address many of the violations previously identified in the 2008 audit. And, as a result, the City has failed to develop, document, and implement a complete MS4 program as required. Therefore, this letter will serve as a **Notice of Violation**.

Please provide this office with a written response within 60 days of your receipt of this letter. The response should describe the activities the City has taken or plans to take to correct items identified as a violation in the attached report. If you have any questions concerning the inspection or if we may be of any further assistance to you in any way, please feel free to contact me by phone at (615) 687-7119 or by email at [Ann.Morbitt@tn.gov](mailto:Ann.Morbitt@tn.gov)

Sincerely,

  
Ann Morbitt  
Division of Water Pollution Control

Enclosure

Cc: Jason Pilkinton, Director, City of Dickson Planning & Zoning

**City of Dickson MS4 Program Audit**  
**NPDES Permit Number TNS077542**  
**August 25, 2010**

The City of Dickson's stormwater management program was evaluated for compliance with the minimum control measures required by the NPDES permit. Included in this report are relevant sections of the NPDES permit, which are summarized in italics and followed by the status of compliance with the permit requirement. Recommendations are given to correct noncompliance discovered during the audit.

### **Minimum Control Measure 1: Public Education and Outreach**

#### **NPDES Permit Section 4.2.1.**

*For any types of activities you know to be stormwater pollutant hot spots in your area, you must prepare a clear set of requirements with respect to stormwater management at these establishments and ensure that the establishments have been made aware of those requirements.*

The Division's October 20, 2008, audit Notice of Violation (NOV) letter and report noted that the City had not identified potential hot spots as required by the permit. In the City's response letter dated November 26, 2008, the City committed to conducting a study and designing mapping for hot spots. Hot spots have not been identified.

This permit requirement still has not been met.

**Recommended action:** Hot spots need to be identified. Once identified, develop requirements to manage stormwater runoff from these sites. The sites must be notified of the requirements. The City should retain records documenting notification.

### **Minimum Control Measure 3: Illicit Discharge Detection and Elimination (IDDE)**

#### **NPDES Permit Section 4.2.3.**

*Develop a storm sewer system map showing the location of all outfalls.*

A storm sewer system map has been developed, but outfalls have not been identified.

**Recommended action:** Identify outfalls on storm sewer system map.

#### **NPDES Permit Section 4.2.3.**

*Prohibit, through ordinance or other regulatory mechanism, non-stormwater discharges into your storm sewer system and implement appropriate enforcement procedures and actions.*

The Division's October 20, 2008, audit NOV letter and report noted that the City had not implemented this prohibition. In the City's response letter dated November 26, 2008, the City states that draft ordinance is currently under review. These ordinances have not been adopted.

This permit requirement still has not been met.

**Recommended action:** Adopt ordinances that will satisfy the requirements of Section 4.2.3.

**NPDES Permit Section 4.2.3.**

*Develop and implement a plan to detect and address non-stormwater discharges, including illegal dumping, into your system.*

The Division's October 20, 2008, audit NOV letter and report noted that the City had not developed and implemented a plan to address non-stormwater discharges, including illegal dumping. In the City's response letter dated November 26, 2008, the City committed to design a standard operating procedure. The procedure has been drafted, but not implemented.

This permit requirement still has not been met.

**Recommended actions:** Develop a plan and a set of procedures to implement an illicit discharge detection and elimination program. This plan should clearly outline how the City proposes to detect, address and document non-stormwater discharges to the MS4.

**NPDES Permit Section 4.2.3.**

*Inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of wastes.*

The Division's October 20, 2008, audit NOV letter and report noted that the City had not educated the required groups concerning illegal discharges and improper disposal of wastes. In the City's response letter dated November 26, 2008, the City committed to implementing a public education program. No program is in place.

This permit requirement still has not been met.

**Recommended actions:** Develop and implement a program to educate the public and targeted audiences about the water quality impacts of illegal discharges and improper disposal of waste.

**NPDES Permit Section 4.2.3.**

*Prohibit, by ordinance or other regulatory mechanism, contamination of stormwater runoff from hot spots.*

The Division's October 20, 2008, audit NOV letter and report noted that the City had not made these prohibitions. The City has not yet prohibited, by ordinance or other regulatory mechanism, contamination of stormwater runoff from hot spots.

This permit requirement still has not been met.

**Recommended actions:** Adopt an ordinance that will prohibit contamination of stormwater runoff from hot spots.

## **Minimum Control Measure 4: Construction Site Stormwater Runoff Control**

### **NPDES Permit Section 4.2.4.**

*Develop requirements for construction site operators to control wastes...at the construction site that may cause adverse impacts to water quality.*

The Division's October 20, 2008, audit NOV letter and report noted that the City had not developed requirements for construction site operators to control wastes at their construction sites that may cause adverse impacts to water quality. In the City's response letter dated November 26, 2008, the City committed to revising their ordinance to develop these requirements. These requirements have not yet been developed.

This permit requirement still has not been met.

**Recommended actions:** Develop requirements that will satisfy the requirements of Section 4.2.4.

## **Minimum Control Measure 5: Post-Construction Stormwater Management**

### **NPDES Permit Section 4.2.5.**

*Develop and implement strategies that include a combination of structural and/or non-structural best management practices appropriate for your community.*

This permit requirement still has not been met.

**Recommended actions:** Develop and implement strategies that will satisfy the requirements of Permit Section 4.2.5.

### **NPDES Permit Section 4.2.5.**

*Develop and implement mechanisms to ensure adequate long-term operation and maintenance of BMPs.*

The Division's October 20, 2008, audit NOV letter and report noted that the City had not developed or implemented mechanisms to ensure adequate long-term operation and maintenance of best management practices (BMPs). In the City's response letter dated November 26, 2008, the City stated that a draft ordinance was currently under review. These mechanisms have not yet been developed or implemented.

This permit requirement still has not been met.

**Recommended actions:** Develop and implement mechanisms that will satisfy the requirements of Section 4.2.5.

## **Minimum Control Measure 6: Pollution Prevention/Good Housekeeping**

### **NPDES Permit Section 4.2.6.**

*Train employees to prevent and reduce stormwater pollution from activities such as: park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and storm systems maintenance.*

The Division's October 20, 2008, audit NOV letter and report noted that the City has not provided training for employees to prevent and reduce stormwater pollution from the above activities. In the City's response letter dated November 26, 2008, the City committed to obtaining training material. The City of Dickson currently provides limited training for employees with regard to construction and land disturbance.

This permit requirement still has not been completely met.

**Recommended action:** Provide employee training for the remaining activities referenced in Permit Section 4.2.6.

### **NPDES Permit Section 4.2.6.**

*You must consider the following in developing your program: maintenance activities, maintenance schedules, and long-term inspection procedures for structural and non-structural stormwater controls to reduce floatables and other pollutants discharged from your separate storm sewers; controls for reducing or eliminating the discharge of pollutants from streets, roads, highways, municipal parking lots, maintenance and storage yards, fleet or maintenance shops with outdoor storage areas, salt/sand storage locations and snow disposal areas operated by you, and waste transfer stations; procedures for properly disposing of waste removed from the separate storm sewers and areas listed above; and ways to ensure that new flood management projects assess the impacts on water quality and examine existing projects for incorporating additional water quality protection devices or practices. Operation and maintenance must be an integral component of all stormwater management programs. This measure is intended to improve the efficiency of these programs and require new programs where necessary. Properly developed and implemented operation and maintenance programs reduce the risk of water quality problems.*

The Division's October 20, 2008, audit NOV letter and report noted that the City had not considered the above when developing the program. In the City's response letter dated November 26, 2008, the City committed to developing a standard operating procedure. The City of Dickson has not yet met the requirements of Permit Section 4.2.6.

This permit requirement still has not been met.

**Recommended actions:** Develop and implement a Pollution Prevention/Good Housekeeping program that will satisfy the requirements of Permit Section 4.2.6.

## **Conclusion**

The new small Municipal Separate Storm Sewer System (MS4) permit was issued on August 31, 2010, and became effective on October 1, 2010. Please note that the Six Minimum Control Measures and requirements mentioned above are still required in the new permit.

Since the Division's inspection found significant non-compliance in your stormwater management program, it is recommended that the City of Dickson allocate the necessary resources to allow for the proper development and implementation of this program so that permit requirements can be met. Additionally, the Division recommends the development of a stormwater management plan. This plan should contain standard operating procedures (SOPs) for all components of the program. A plan with relevant SOPs should provide guidance and direction for the implementation of an effective program. A well developed and implemented plan will enable the City of Dickson to show that the program is moving toward improving water quality and meeting the permit requirements.